

REMARKS

Claims 3-21 are pending in this application, claims 1 and 2 having been cancelled without prejudice.

Applicants have added new claim 21 to more particularly claim an embodiment of their invention. Support for new claim 21 may be found in original claims 1 and 2, on page 5 of the present Specification. Claim 21 replaces claim 1 as a generic claim for the invention for the purposes of the previously issued restriction requirement.

Prior claim 1 stood, and claim 10 stands rejected under 35 USC 112, second paragraph. Prior claim 1 stood, and claim 10 stands rejected under 35 USC 102(e) or in the alternative 35 USC 103. Claims 2-9 and 11-20 have been withdrawn from consideration.

Claims 1 and 10 -- 35 USC 112, second paragraph

The rejection of claims 1 and 10 under 35 USC 112, second paragraph is respectfully traversed. The rejection of claim 1 is rendered moot by its cancellation.

Applicants have amended claim 10 to remove the term "metal" from the phrase "scandium metal value" so that claim 10 refers to "scandium values". The Examiner is thanked for the helpful suggestion in this regard.

For these reasons the Examiner is respectfully requested to withdraw the rejection of claims 1 and 10 under 35 USC 112, second paragraph.

Claims 1 and 10 -- 35 USC 102(e) or 103

The rejection of claims 1 and 10 under 35 USC 102(e) or 103 is respectfully traversed.

Claim 1 has been cancelled rendering its rejection moot.

With respect to the currently pending claims, Applicants believe the claims recite an invention patentably distinct and non-obvious over the prior art in present record. In particular, Applicants respectfully submit that the prior art of record does not disclose or suggest a method including the steps recited in claim 21.

Conclusion

A favorable Office Action is respectfully solicited. The Examiner is invited to contact the undersigned at 336.607.7315 to discuss any matter relating to this application.

Respectfully submitted,

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